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To: Councillor Forsyth; Councillor and Councillors Boulton, Corall, Grant, Len Ironside CBE, Kiddie and Malone

Town House,
ABERDEEN 24 July 2014

LICENSING URGENT BUSINESS SUB COMMITTEE

The Members of the **LICENSING URGENT BUSINESS SUB COMMITTEE** are requested to meet in Committee Room 3 - Town House on **MONDAY, 28 JULY 2014 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 1 Determination of Urgent Business
- 2 Application for the Renewal of Taxi Licence - Tony Adu (Pages 1 - 14)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson, tel. (52)2989 or email mmasson@aberdeencity.gov.uk

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LICENSING URGENT BUSINESS SUB COMMITTEE

INFORMATION NOTE FOR MEMBERS

TAXI LICENCE (RENEWAL): T342

APPLICANT: TONY ADU

VEHICLE: H4 ADU

This item is on the agenda because:

The application requires to be determined by 28 July 2014 and Fleet Services have advised that to date the vehicle has not passed inspection.

Mr Adu applied for renewal of his taxi licence in January 2014.

In addition, Mr Adu later submitted an application to substitute his vehicle.

The Enforcement Officer wrote to Mr Adu on 31 March. Information had been received that Mr Adu's vehicle had been damaged and he was asked to present it at the Taxi Inspection Centre.

The Enforcement Officer wrote further to Mr Adu on 22 May 2014 informing him that the replacement vehicle was already the subject of another taxi licence and it was not possible to have two licences on one vehicle.

Mr Adu was invited to the Licensing Committee of 1 July by letter dated 10 June 2014

Mr Adu attended the meeting and the Committee allowed him a few more weeks to provide a suitable vehicle and have it successfully inspected.

Following the meeting Mr Adu was written to on 2 July and informed that he had to have a suitable vehicle provided and inspected by 21 July otherwise the matter would have to be considered by the Urgent Business Panel.

He failed to do so and hence a meeting of the Urgent Business Committee is arranged.

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ABERDEEN CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR THE GRANT/RENEWAL OF A TAXI LICENCE

INDIVIDUAL PERSON

INPUT ON
27 FEB 2014
 REF. NO. _____

EACH QUESTION MUST BE ANSWERED

1. Full Name (Block Letters).	TONY ADY		
2. Former Surname (if applicable).			
3. Home Address.			
Telephone Number (if any).			
Email address.			
4. Business Address.			
Telephone Number.			
5. Age, Date and Place of Birth.	Age	Date of Birth	Place of Birth
6. (a) Type of licence applied for? (Enter FULL or TEMPORARY).	(a)		
(b) Whether for grant or renewal? (Enter GRANT or RENEWAL).	(b) RENEWAL		
(c) If renewal state number, and expiry date of current licence.	(c) Plate Number: T342	Expiry Date: 31/1/14	
7. (a) Are you the proprietor or part proprietor of a Taxi or Private Hire Car business? or	/		
(b) Are you to be the self-employed owner/driver of a Taxi or Private Hire Car?	YES		
8. Is there any other person who is also a proprietor of the business or who is to be involved in the management or operation of the vehicle to be used as a Taxi?	No		
If so, please provide his/her name, address and date of birth (and telephone number if applicable).	/		

9. Is the vehicle to be licensed to be used as a Taxi solely in connection with YOUR business?	YES				
If NOT please provide the name/s address/es and date of birth (and telephone number if applicable) of any person who is to benefit from the operation of the vehicle as a Taxi.					
10. Particulars of vehicle to be licensed.	Registration Number		H4 ADU.		
	Date of First Registration		1/3/2007		
	Chassis Number		VSKJ4BHAGUVI72348.		
	Make	Model	No. of Doors	Colour	CC Rating
	NISSAN	PRIMSTAR	4	BLACK.	1999.
11. Name and Address of Registered Keeper.	AS ABOVE				
12. (a) Is legal owner of vehicle a Bank, or a Finance or Leasing Company?	NO		YES/NO		
(b) If YES, give name and address of Bank, or Finance or Leasing Company.					
13. Address of premises where vehicle is to be kept.	AS ABOVE				
14. (a) Is the vehicle to be used as a taxi on a full or part-time basis? (Enter FULL or PART TIME).	full				
(b) If PART-TIME, state applicant's other occupation.					
15. (a) Are you prepared to register for the Taxi Card Scheme?	NO				
(b) If yes, have you undergone courses in first aid and disability awareness training?					
16. Have you or any other person named in this application ever been convicted of any crime or offence? Please include any Road Traffic Offences and any spent convictions as defined in the Rehabilitation of Offenders Act 1974? (Enter Yes or No only).	No				

1. I declare that the particulars given by me on this form are true and I hereby make application to Aberdeen City Council for the grant or renewal of the licence applied for.
2. I declare that I will notify the Licensing Team, Legal and Democratic Services, Corporate Governance, Aberdeen City Council, Town House, Aberdeen, AB10 1AQ of any change of the particulars stated on this form as soon as reasonably practicable after it has taken place.

Date: 26/1/14 Signature of Applicant or Agent: A Adams

Agent's Address: _____

NB. Any person who in connection with the making of this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular may be guilty of an offence.

OFFICE USE ONLY

Date Received: <u>29/1/14</u>	Fee Paid: <u>£215.00</u>	Receipt Number: <u>211839</u>
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When completed, this form should be returned to the Legal and Democratic Services, Corporate Governance, Aberdeen City Council, Business Hub 6, First Floor South, Marischal College, Broad Street, Aberdeen, AB10 1AB along with the appropriate fee. Cheques should be made payable to "Aberdeen City Council".

For assistance in completing the form, please telephone Licensing on (01224) 522377.

DATA PROTECTION ACT 1998

Aberdeen City Council (the Data Controller) will process the information on this form for the purpose of granting or refusing this application. The information will be disclosed to Grampian Police. It may also be intimated to the H M Revenue and Customs. The information will also be published as part of the Licensing Committee Agenda and Minutes and held on a public register all of which will be available to members of the public on request.

ABERDEEN CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

AIR

TAXIS/PRIVATE HIRE CARS

APPLICATION FOR SUBSTITUTION OF A VEHICLE

5
1
4

FEE PAID: £3500	RECEIPT No: 2108
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LICENCE HOLDER(S) Tony ADU

LICENCE No. 342	LICENCE EXPIRY DATE 9/14
INDIVIDUAL(S) YES -	
COMPANY/PARTNERSHIP	
HOME ADDRESS	[REDACTED]
BUSINESS ADDRESS AS ABOVE	FAX

EXISTING VEHICLE

REGISTRATION No. OF PRESENT VEHICLE (as designated on licence)	H4 ADU
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NEW/REPLACEMENT VEHICLE DETAILS

REGISTRATION NUMBER	DATE OF FIRST REGISTRATION	MAKE	MODEL
PK07 POA	20/08/2007	NISSAN	PRIMSTAR
ENGINE SIZE	FUEL TYPE	COLOUR	METALLIC PAINT
1900	DIESEL	GREY	Y.
			No OF DOORS
			4
			BODY TYPE
			MPV
GEARBOX TYPE	PASSENGER CAPACITY	METER MAKE & MODEL	SERIAL NUMBER
M.	8	AGUILA	21763
INSURANCE COMPANY	EXPIRY DATE	CHASSIS NUMBER	
		VSK04EHA60V17B1L7	
M.O.T.	ISSUE DATE	EXPIRY DATE	WHEELCHAIR ACCESSIBLE
			YES

I declare that the particulars on this form are true and I hereby make application to Aberdeen City Council for the substitution of the vehicle described in this application.

Date: 25/3/14

Signature of applicant/agent; AAdm.

Address; 22 F SEATON PLACE EAST
ABERDEEN

TO BE COMPLETED BY TAXI INSPECTION CENTRE	
On behalf of Aberdeen City Council, being satisfied as to the type, size and design of the vehicle for use as a taxi or Private Hire Car and as to its safety, I hereby permit the substitution of the new vehicle for the existing vehicle in terms of S10(5) of the Civic Government (Scotland) Act 1982.	
Date: 25/3/14	Examiner: [Signature]

Our Ref. disposal
Your Ref.
Contact David McKane
Email dmckane@aberdeencity.gov.uk
Direct Dial 01224 522879
Direct Fax 01224 522491



ABERDEEN

CITY COUNCIL

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen AB10 1AB

Tel 01224 522000
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

31 March 2014

Mr Tony Adu

Dear Sir

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI & PRIVATE HIRE CAR LICENSING - TAXI LICENCE NUMBER T342 - H4 ADU & PK07 POA

Your application to renew Taxi Licence T342 was submitted on 29/01/14 and has not yet been processed. In addition an application to Substitute vehicle PK07 POA on to Taxi Licence T342 was submitted on 26/03/14.

You have been previously advised on two occasions to present vehicle H4 ADU for inspection at the Taxi Inspection Centre as information was received that the vehicle was accident damaged.

The Licensing Authority had not been notified of the damaged vehicle as required by condition 6 of the Taxi Licence conditions (quoted at the end of this letter) and you had not asked for extended time to repair the vehicle as required by the same condition.

It was also noted that you cancelled the scheduled taxi test for H4 ADU which was arranged for 08/01/2014.

You had confirmed by telephone that the vehicle was accident damaged and had in fact been written-off by the insurance company. At this point you were also advised that under Section 10 subsection 6 of the Civic Government (Scotland) Act 1982 you had 28 days from the disposal date of the vehicle (in this case the date that the insurance company confirmed the vehicle was written-off) to either substitute another vehicle on to the licence or surrender the licence.

Therefore your substitution and renewal applications will go before the Licensing Committee for consideration.

You will be notified of the date and time of the next Licensing Committee meeting in due course.

Yours faithfully

David McKane
Enforcement Officer
Litigation and Licensing

ANGELA SCOTT
DIRECTOR



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Condition 6 of the Taxi Licence Conditions states-

“The holder of this licence when the taxi is damaged in a vehicular accident or by any other means shall report the damage to the Taxi Inspector as soon as practicable, and if the taxi is roadworthy he shall present it for examination within the following two working days (being days on which the testing facilities operate) after the occurrence. It shall be at the discretion of the Taxi Inspector if he considers the taxi unroadworthy, to issue an instruction that the taxi shall not be used until the repairs have been completed and the taxi re-examined.

As soon as the repairs to the taxi have been completed (which shall be within a period of twenty-eight days, except in exceptional circumstances) the taxi shall be re-examined. In the event that the repairs cannot be completed within the period specified above, the licence holder shall apply in writing to the licensing authority for an extension thereto.”

Civic Government (Scotland) Act 1982

10 Taxi and private hire car licences

(6) Subject to subsection (5) above, the holder of a taxi or private hire car licence shall within 28 days of his selling or otherwise disposing of the vehicle to which the licence relates deliver to the licensing authority his licence and any licence plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi or, as the case may be, private hire car, and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F2level 2 on the standard scale].

Subsection 5 refers to the Substitution of a vehicle.

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DIRECTOR



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Our Ref. disposal
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Direct Fax 01224 522491



22 May 2014

Mr Tony Adu

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen AB10 1AB

Tel 01224 522000
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI & PRIVATE HIRE CAR LICENSING - TAXI LICENCE NUMBER T342 - H4 ADU & PK07 POA

I refer to my previous letter of 31/03/2014 regarding your submission of a renewal application for taxi licence T342 and the later submission of a substitution form for the same licence substituting the vehicle from H4 ADU to PK07 POA.

You were advised that your applications would have to go before the Licensing Committee for the renewal of your licence and thereafter the substitution to be determined.

It has since come to light that the vehicle PK07 POA is already subject to a current taxi licence and it is not possible to have two licences on one vehicle.

Therefore it would not be possible for the Licensing Committee to grant the substitution application. This would mean that as the original vehicle is written-off and no longer in your possession there is not a vehicle for taxi licence T342. A taxi licence cannot remain in force without a vehicle once the allowable 28 day period (to obtain a new vehicle) has expired- in your case this was January 2014.

If you still wish the Licensing Committee to determine your applications they will be heard at the next committee meeting on 01/07/14 (you will be sent an invitation to attend). If you wish to withdraw both applications please advise me of this as soon as possible.

Yours faithfully

David McKane
Enforcement Officer
Litigation and Licensing

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DIRECTOR



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Condition 6 of the Taxi Licence Conditions states-

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As soon as the repairs to the taxi have been completed (which shall be within a period of twenty-eight days, except in exceptional circumstances) the taxi shall be re-examined. In the event that the repairs cannot be completed within the period specified above, the licence holder shall apply in writing to the licensing authority for an extension thereto.”

Civic Government (Scotland) Act 1982

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Subsection 5 refers to the Substitution of a vehicle.



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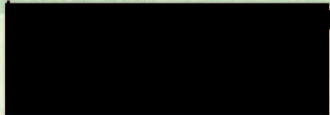
Our Ref.
Your Ref.
Contact William Gordon
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Direct Fax 01224 522937



ABERDEEN CITY COUNCIL

10/6/2014

Tony Adu



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Business Hub 6 L1S
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Aberdeen AB10 1AB

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Dear Sir

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL OF TAXI LICENCE
VEHICLE REG. H4 ADU LICENCE NO T342**

I refer to your above application.

Your above noted vehicle has not passed the taxi test, which is a mandatory requirement, Your application will therefore be considered by the Licensing Committee at their meeting on 1 July 2014 which will take place at 10:00am within the Town House, Broad Street, Aberdeen.

You are invited to attend the said meeting. The Committee will wish to discuss or seek clarification on the matters raised in the letter. Obviously, if you are present, you would be able to respond to any such queries there and then. You are offered the chance to attend to allow you to fully state your case and to ensure that you are provided with a fair hearing.

If you do not attend, the Committee can consider your application in your absence and, if it refuses your application, you would not be entitled to appeal to the Sheriff Court against any such refusal, as you would not have taken up the opportunity provided to you to attend. It is therefore in your best interests to attend.

You may wish to consider contacting your solicitor who can provide you with legal advice. He could also attend the meeting with you and speak on your behalf.

Please note that if the Committee refuses your application, they cannot entertain a similar application by you within a period of one year of the refusal unless there has been a material change in circumstances.

Should you have any queries please do not hesitate to contact me.

Yours faithfully

W Gordon
Licensing Assistant
Team 3
Litigation and Licensing

ANGELA SCOTT
DIRECTOR

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ABERDEEN CITY COUNCIL

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2/7/2014

Tony Adu



Dear Sir

**LICENSING COMMITTEE 1 JULY 2014
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL OF A TAXI LICENCE**

I refer to your attendance at the above Committee.

I have to inform you that at their meeting held on 1 July 2014 the Licensing Committee resolved that your application be deferred.

However, you must submit a valid substitution application by 21 July 2014. To be valid the application must be for a vehicle which is not currently on another taxi or private hire car. In addition this vehicle must pass a taxi test by 21 July 2014.

If a valid application is not submitted the application will be determined by the Licensing Urgent Business Sub Committee.

If you have any queries please do not hesitate to contact me.

Yours faithfully

William Gordon
Licensing Assistant
Team 3
Litigation and Licensing

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DIRECTOR



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